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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,791	12/02/2003	Hiroto Nishiyama	IPO-P1881	3322
3624 7590 09/25/2008 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
SHIH, HAOSHIAN				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
09/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/725,791

**Applicant(s)**

NISHIYAMA ET AL.

**Examiner**

HAOSHIAN SHIH

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07-07-08.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4 and 7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2, 4 and 7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date 20080902  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1, 2, 4 and 7 are pending in this application and have been examined in response to application RCE filed on 07/07/2008.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 102(b) as being unpatentable by Khosla et al. (Khsola, US 6,202,061 B1).**

4. As to **INDEPENDENT** claim 1, Khsola discloses an image processing apparatus comprising: first display means for displaying one or more images of a plurality of images (fig.5, fig.12B; a thumbnail region for displaying images is illustrated);

a first category designation section configured to designate one category from among a plurality of categories, provided to each of the one or more images displayed through the first display section (col.7, lines 1-4; images from the same category are stored in an album);

a classification section configured to categorize each of the one or more images displayed through the first display section into one or more of categories designated by

the first category designation section (fig.9; images are classified via a user defined search query);

a second category designation section configured to designate one or more categories among the one or more categories classified by the classification section (col.7, lines 1-4; images from the entire database are designated and displayed in a thumbnail region);

a reduced image section configured to display reduced images of said images each of which belongs to any of the one or more categories designated by the second category designation section (col.7, lines 1-4; images from the entire database are displayed in a thumbnail region);

a selection section configured to select two or more images from among the reduced images displayed in the reduced image display section (fig.12E; reduced images from area "1251" can be selected and inserted to area "1253");

a comparison image display section configured to select two or more images selected by the selection section (fig.12E, area "1253a" and "1253b");

an image processing section configured to perform at least one image processing of reducing processing, enlarging processing, and moving processing on the two or more images displayed in the comparison image display section (col.5, lines 54-56; a user may process selected image by "zooming", "rotating", and/or "panning" the image);

a selective designation section configured to select and designate an image from among the images displayed through the comparison image display section (fig.8B,

window "picture properties").

5. As to claim 2, Khsola discloses wherein the first display section includes any one of a browse display section configured to display a plurality of reduced images in an array, and a view display section configured to display one single image (fig.5; fig.12A; a browse display section displays thumbnails in a thumbnail region, a view display section can be configured to display one picture at a time in the Album page region).

6. As to claim 4, Khsola discloses a storage control unit for grouping one or more images selected and designated through the selective designation section and storing the grouped images into the same area in a recording medium (fig.9, images of a same category are stored in an album).

7. As to **INDEPENDENT** claim 7, see rationale addressed in the rejection of claim 1 above.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant argues that Khsola does not disclose **simultaneously** performing one of reducing, enlarging and moving of two or more images displayed in the comparison image display section.

In response to applicant's argument, the phrase "simultaneously" is not included in the claim language, thus not addressed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/DENNIS-DOON CHOW/  
Supervisory Patent Examiner, Art Unit 2173